

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CURTIS S. LYLES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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**Civ. No. 6:23-CV-03315-MDH
Crim. No. 6:19-CR-03025-MDH**

ORDER TO SHOW CAUSE

Movant, incarcerated at El Reno FCI with a scheduled release date of February 22, 2035, pursuant to a conviction and sentence entered in the above-cited criminal case, has filed a motion to correct sentence pursuant to 28 U.S.C. § 2255.

This matter arises out of Movant’s January 4, 2022 conviction for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and possession with intent to distribute a mixture of methamphetamine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C). Movant was sentenced on December 13, 2022 to 204 months imprisonment as an Armed Career Criminal Act (“ACCA”) offender. Shortly after Movant’s sentencing, the Eighth Circuit ruled that prior convictions for sale of cocaine under Missouri Revised Statute § 195.211 do not qualify as a serious drug offense for purposes of the ACCA. *United States v. Myers*, 56 F.4th 595, 597 (8th Cir. 2022). Movant therefore contends that his sentence of 204 months imprisonment must be corrected to comport with the Eighth Circuit’s holding in *Myers* and the applicable statutory maximum sentences for Movant’s convictions, as his ACCA status was based in part on a prior Missouri conviction for sale of cocaine.

Accordingly, it is **ORDERED** that Respondent answer Movant's allegations and show cause on or before December 8, 2023, why the relief Movant seeks should not be granted.

IT IS SO ORDERED.

DATED: November 2, 2023

/s/ Douglas Harpool

DOUGLAS HARPOOL

UNITED STATES DISTRICT JUDGE